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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 WORKNESH LAKEW,

9 Plaintiff,

10 v.

11 SAFEWAY, INC., et al.,

12 Defendants.

C18-237 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable  
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiff's motion, docket no. 14, pursuant to Federal Rule of Civil  
16 Procedure 56(d), to continue the motion for summary judgment brought by defendant  
17 Safeway, Inc. ("Safeway") is GRANTED. Safeway's motion for summary judgment,  
18 docket no. 9, is RENOTED to February 15, 2019. Plaintiff may file a supplemental  
19 response, not to exceed twelve (12) pages in length, along with any supporting materials,  
20 on or before February 8, 2019. Safeway may file a supplemental reply, not to exceed six  
21 (6) pages in length, by the new noting date.

22 (2) Although plaintiff made an accusation, in response to Safeway's motion for  
23 summary judgment, that Safeway has spoliated evidence, plaintiff has not yet filed and  
properly noted a motion seeking remedies for any spoliation, and the Court declines to  
address the issue at this time. The Court observes, however, that plaintiff has named as a  
Doe defendant the individual who allegedly caused the spill at issue. The Court also  
observes that the deadlines for joining additional parties and amending pleadings have  
expired. The parties are DIRECTED to meet and confer and to file a Joint Status Report,  
within twenty-one 21 days of the date of this Minute Order, indicating (i) whether the  
Doe defendant can be and/or has been identified, (ii) whether any inability to identify the

1 Doe defendant is related to the alleged spoliation of evidence, and (iii) whether plaintiff's  
2 claim against the Doe defendant should be dismissed (either with or without prejudice).

3 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of  
4 record.

5 Dated this 24th day of October, 2018.

6 William M. McCool  
7 Clerk

8 s/Karen Dews  
9 Deputy Clerk